

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Jamarriel Ferrell, #344628,

C/A No. 4:17-831-JFA-TER

Plaintiff,

v.

Warden Willie Eagleton,
A.W. Annie Sellars,
Deputy Director Michael McCall,
Director Bryan Stirling
Lt. Gary Martin,

Defendants.

ORDER

Jamarriel Ferrell (“Ferrell”), proceeding *in forma pauperis*, filed a *pro se* complaint in this civil action while incarcerated in a South Carolina state prison. Ferrell seeks to sue several members of the correctional facility in their official capacity and one correctional officer personally. (ECF No. 1). Pursuant to 28 U.S.C. §636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(c) (D.S.C.), this case was referred to a Magistrate Judge for review.

Because the complaint was filed pursuant to 28 U.S.C. §§ 1915, 1915A, this court is charged with screening Plaintiff’s lawsuit to identify cognizable claims or to dismiss the complaint if, after being liberally construed, it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this court should dismiss the action without

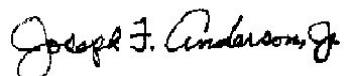
¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.). The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final

prejudice and without issuance and service of process as to four of the five named defendants. (ECF No. 22). The Report sets forth in detail the relevant facts and standards of law on this matter, and this court incorporates those facts and standards without a recitation.

Ferrell was advised of his right to object to the Report, which was entered on the docket on May 16, 2017. However, Ferrell failed to file any objections to the Report. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation (ECF No. 22) and partially dismisses the complaint without prejudice. Specifically, Plaintiff's request to be housed at a different institution is dismissed for failure to state a claim. Additionally, Defendants Eagleton, Sellars, McCall, and Stirling are dismissed without issuance and service of process. The remaining claims against defendant Martin remain pending before the Magistrate Judge.

IT IS SO ORDERED.



June 30, 2017
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge

determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See 28 U.S.C. § 636(b)(1)*.